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Petri Boman

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11/03/2005

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EXAMINER

PHAM, TUAN

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/990,133

Applicant(s)

BOMAN ET AL.

Examiner

TUAN A. PHAM

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Applicant's remark, filed on 08/08/2005, with respect to the rejection(s) of claim(s) 1-27 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made over Hawkins et al. (U.S. patent No.: 6,516,202) in view of Nilsson (U.S. Patent No.: 6,400,967).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2643

3. **Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by Nilsson (U.S. Patent No.: 6,400,967).**

**Regarding claim 22**, Nilsson teaches a method of forming a housing comprising a unitary tubular body (see figure 1, tubular housing 3, col.5, ln.29-32) having an open end for insertion of electronic components therein (see figures 2, and 3, open end at first portion on the right of housing 3, insert electronics package and battery pack, removable cap 4, col.5, ln.30-35), the method including the step of permanently attaching at least two housing portions together to form the unitary body (see figures 1 and 2, when the housing 3 and the cap 4 are closed together that will be formed a permanently unitary tubular body).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a

Art Unit: 2643

later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**5. Claims 1-4, 6-7, 17-18, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. (U.S. patent No.: 6,516,202, hereinafter, "Hawkins") in view of Nilsson (U.S. Patent No.: 6,400,967).**

**Regarding claims 1, 17, and 25,** Hawkins teaches a method and a housing for an electronic device comprising a unitary body having an open end for insertion of electronic components therein (see figure 3A, void 320 for insert a cellular component 350, col.2, ln.20-55, col.3, ln.29-67), and wherein the body includes a plurality of apertures in one face to receive the keys of a keymat mounted on an inner wall of the body (see figure 3A, housing of organizer 300 is having a plurality of apertures to receive the keypad 315, col.2, ln.47-67), and an opening in the other face opposite the apertures to receive a battery pack (see figure 3b, back of housing's organizer 300 is having a space for battery).

It should be noticed that Hawkins fails to teach a tubular body. However, Nilsson teaches such features (see figure 1, tubular housing 3, col.5, ln.29-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Nilsson, into view of Hawkins in order to make the cellular phone in the form of small and inexpensive as suggested by Nilsson at column 2, lines 23-26.

Art Unit: 2643

**Regarding claim 2**, Hawkins further teaches a housing including a member for closing the open end of the tubular body (see figure 3A, cellular component 350 for closing the void 320 of the organizer 300).

**Regarding claim 3**, Hawkins further teaches a housing wherein the member is configured to support electronic components thereon (see figure 3A, indicator 360, col.3, ln.49-55).

**Regarding claim 4**, Hawkins further teaches a housing wherein the member includes a support for locating and retaining a printed circuit board thereon (see figure 4, phone hardware 440 it is included all the component such as DSP that lay out on the PCB within the housing).

**Regarding claim 6**, Hawkins further teaches a housing wherein a portion of the inner peripheral wall of the member includes a recess to receive a transducer module (see figure 3a, speaker 365).

**Regarding claim 7**, Hawkins further teaches a housing including a guide on the body to receive and support electronic components mounted on the member (see figure 3A, void 320 have a guide for insert the cellular component 350).

**Regarding claim 18**, Hawkins further teaches mobile telecommunication device (see figure 1).

**Regarding claim 26**, Hawkins further teaches a method wherein the housing is extruded (see figure 3A).

Art Unit: 2643

**Regarding claim 27**, Hawkins further teaches a method wherein the housing is formed from sheet metal. It is obvious the housing can be used with any material.

**6. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson (U.S. Patent No.: 6,400,967) in view of Nixon (U.S. patent No.: 6,111,760).**

**Regarding claim 23**, Nilsson teaches a method of forming a housing comprising a unitary tubular body (see figure 1, tubular housing 3, col.5, ln.29-32) having an open end for insertion of electronic components therein (see figures 2, and 3, open end at first portion on the right of housing 3, insert electronics package and battery pack, removable cap 4, col.5, ln.30-35), the method including the step of permanently attaching at least two housing portions together to form the unitary body (see figures 1 and 2, when the housing 3 and the cap 4 are closed together that will be formed a permanently unitary tubular body).

It should be noticed that Nilsson fails to teach the portions are attached by welding. However, Nixon teaches such features (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Nixon, into view of Nilsson in order to make the two housing join together.

**Regarding claim 24**, Nixon further teaches a method wherein the portions are attached by welding. Nixon fails to explicitly teach the first and second portion of housing is attached by adhesive bonding. Therefore, the first and

Art Unit: 2643

second portions of housing is attached by adhesive is depending on the manufacture's choice.

**7. Claims 5, 8, 10-16, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. (U.S. patent No.: 6,516,202, hereinafter, "Hawkins") in view of Nilsson (U.S. Patent No.: 6,400,967) as applied to claim 1 above, and further in view of Kubo (U.S. Patent No.: 6,580,923).**

**Regarding claim 5**, Hawkins and Nilsson, in combination, fails to teach a housing wherein the support includes an integrally moulded clip to receive the edge of a printed circuit board and a location spigot to support the underside thereof. However, Kubo teaches such features (see figure 3, it is obvious the housing portion 32 should be included a moulded clip to support the PCB 36 within the housing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kubo, into view of Hawkins and Nilsson in order to make the cellular phone in the form of small and inexpensive as suggested by Nilsson at column 2, lines 23-26.

**Regarding claim 8**, Kubo further teaches a rail (see col.5, ln.65).

**Regarding claim 10**, Kubo further teaches a housing wherein the body includes means to releasably secure a keymat retaining plate over the keymat (see figure 3, key group sheet 31, col.4, ln.46-55).

Art Unit: 2643

**Regarding claim 11**, Kubo further teaches a housing wherein the means comprises an integrally formed tab on the body for location of the retaining plate there under (see figure 3, key group sheet 31, col.4, ln.46-55).

**Regarding claim 12**, Kubo further teaches a housing wherein the retaining plate (i.e., flexible printed circuit board) is formed from a resilient flexible material and is a snap fit beneath the integrally formed tab on the body (see figure 3, col.7, ln.62-67).

**Regarding claim 13**, Kubo further teaches a housing wherein a portion of the body overlaps the member, the body and member including co-operating parts (i.e., handle) to mount the member on the body (see figure 4, handle 52c-3, col.6, ln.30-52).

**Regarding claim 14**, Kubo further teaches a housing wherein the co-operating parts includes a flange on the member that forms an interference fit with the body (see figure 6, 52b-2, col.6, ln.19-27).

**Regarding claim 19**, Kubo further teaches a housing including a key mat, a key mat retaining plate and a battery pack, the retaining plate being configured such that the key mat is biased against the housing by the retaining plate when the battery pack is mounted in the housing (see figure 3, col.4, ln.46-67).

**Regarding claim 20**, Kubo further teaches a housing wherein the retaining plate includes resiliently deformable regions raised out of the plane of the plate, said regions being deflected back towards the plane of the plate by the battery pack mounted in the housing, thereby biasing the key mat against the housing (see figure 6, col.6, ln.1-26).

Art Unit: 2643

**Regarding claim 21**, Kubo further teaches a housing wherein the resiliently deformable regions are a plurality of spaced parallel ribs (see figure 3, col.6, ln.1-27).

**Regarding claim 15**, Nilsson further teaches a housing a lock for releasable securing the member mounted to the body (see col.5, ln.40-50).

**Regarding claim 16**, Nilsson further teaches a housing wherein said lock includes an aperture in the member and a boss in the body, fastening means being insertable through the aperture for location in the boss (see col.5, ln.40-50).

Art Unit: 2643

### Conclusion

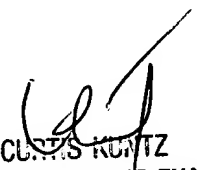
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (571) 272-2600 FOR THE SUBSTITUTIONS OR COPIES.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2643  
October 27, 2005  
Examiner

Tuan Pham

  
CURTIS KUNTZ  
SUPERVISOR, PATENT EXAMINER  
ART UNIT 2643